

MEDICAL LEAVES



The following are unpaid leaves but provide job and benefits protection for the duration. Employees must use sick, vacation and other available leave accruals while out on protected leave.

FMLA- Family Medical Leave Act (Federal)

Provides up to 12 weeks of unpaid leave (job & benefits protection only) within a 12-month period for the following events:

- Serious health condition of the employee, including pregnancy.
- To care for a spouse, child, or parent with a serious health condition, or
- Following the birth or adoption of a child

CFRA - California Family Leave

State law providing same benefit as FMLA; runs concurrently with FMLA (except for pregnancy, in which case CFRA begins after PDL)

- CFRA applies to domestic partner
- Does not include pregnancy, therefore CFRA begins after PDL

PDL - California Pregnancy Disability Leave

- Provides up to four (4) months of leave for an employee disabled by pregnancy, childbirth or related medical condition. Runs concurrently with FMLA.

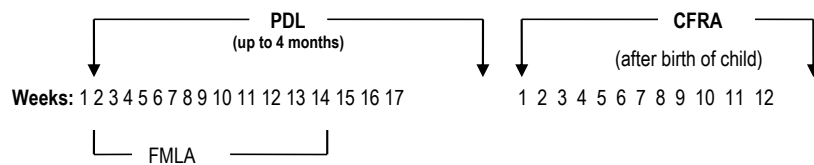
Eligibility for FMLA and/or CFRA (PDL has no length of service or hours requirements)

- Employed by the City for 12 months, during any 12-month period.
- Worked at least 1,250 hours in the previous 12 months.

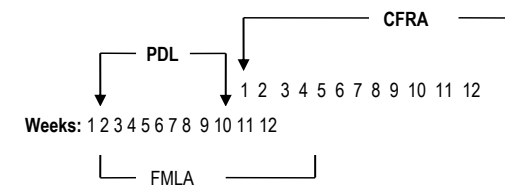
Coordination with SDI (for employees who contribute to SDI)

- Employees eligible for SDI would coordinate SDI payments to buy back leave hours used while on leave.

Sample timeline for pregnancy with complications, where the pregnancy disability is longer than the 12-week FMLA entitlement. CFRA begins after PDL (not concurrent with FMLA).



Sample timeline when pregnancy disability is shorter than the 12-week FMLA entitlement. In this case, CFRA runs concurrently with FMLA.



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PDL, CFRA, NPLA* and FMLA Requirements and Obligations

	Pregnancy Disability Leave (PDL)	Bonding Leave (CFRA or NPLA)	Family & Medical Leave Act (FMLA)
I am eligible if:	I have a pregnancy disability, and my employer has at least 5 employees. (<i>Cal. Code Regs., tit. 2, §§ 11035(h) & 11037</i>).	(For CFRA) I have worked for my employer for 1+ year, I have 1250 hours of service in the past year, and 50+ employees work within an 75 mile radius. (<i>Cal. Code Regs., tit. 2, § 11087(e)</i>). (For NPLA) I have worked for my employer for 1+ year, I have 1250 hours of service in the past year, and 20+ employees work within an 75 mile radius. (<i>SB 63</i>).	I have worked for my employer for 1+ year, I have 1250+ hours of service in the past year, and 50+ employees work within 75 mile radius. (<i>29 U.S.C.A. § 2611(2) & 29 C.F.R. § 825.110</i>).
How much leave do I get?	4 months, based on hours worked per week (see chart above). (<i>Cal. Code Regs., tit. 2, § 11042</i>).	12 weeks within one year of the child’s birth, adoption, or start of foster care. This leave will run after PDL and may run after FMLA. (<i>Cal. Code Regs., tit. 2, § 11087(h) & Gov. Code, § 12945.2(p) & (s) and (SB 63)</i>).	12 weeks within one year of the child’s birth adoption, or start of foster care OR because of a serious pregnancy-related medical condition. This leave will run at the same time as PDL. (<i>29 U.S.C.A. § 2612; 29 C.F.R. § 825.701; Gov. Code, § 12945.2(p) & (s)</i>).
Should I notify my employer when I’m going to take leave?	Yes. Give your employer as much notice as possible. (<i>Cal. Code Regs., tit. 2, § 11050(a)-(b)</i>).	Yes. (<i>Cal. Code Regs., tit. 2, § 11091</i>).	Yes. Give your employer 30 days’ notice if possible. (<i>29 U.S.C.A. 2612(e)(1)</i>).
Am I required to take leave all at once?	No. You may take your leave all at once or intermittently. (<i>Cal. Code Regs., tit. 2, § 11042(a)</i>).	No. You may take bonding leave in separate 2-week blocks, so long as it is within 1 year of birth. (<i>Cal. Code Regs., tit. 2, § 11090</i>).	Maybe. You are entitled to intermittent leave if you or your child has a serious health condition related to the pregnancy. Otherwise, you need the approval of your employer to take intermittent leave. (<i>29 U.S.C.A. § 2612(b); 29 C.F.R. § 825.202(c)</i>).
Will I lose my job while on leave?	No. You will be reinstated to your same or comparable job notwithstanding layoffs, etc. (<i>Gov. Code, § 12945; Cal. Code Regs., tit. 2, § 11043</i>).	No. You will be reinstated to your same or comparable job notwithstanding layoffs, etc. (<i>Cal. Code Regs., tit. 2, § 11089 and (SB 63)</i>).	No. You will be reinstated to your same or comparable job notwithstanding layoffs, etc. (<i>29 U.S.C.A. § 2614(a); 29 C.F.R. §§ 825.214 & 825.216</i>).
Will I be paid on	Maybe. If your employer pays	Maybe. If you use paid vacation time, paid leave, or	Maybe. If you use accrued paid leave during

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leave?	employees on temporary disability, if you use vacation time/paid time off, or if you pay into SDI. (<i>Cal. Code Regs., tit. 2, § 11044(a)</i>).	paid time off, you will be paid. Or if you use Paid Family Leave. Otherwise, bonding leave is unpaid. (<i>Cal. Code Regs., tit. 2, § 11092(b)</i>) and (<i>SB 63</i>).	FMLA leave, you will be paid. Otherwise, FMLA leave is unpaid. (<i>29 C.F.R. § 825.207</i>).
Am I required to use sick/vacation time?	You may be required to use sick time. You are not required to use vacation time or paid time off. (<i>Cal. Code Regs., tit. 2, § 11044(b)</i>).	You may elect to use, or your employer may require you to use: vacation time, sick leave, or paid time off. (<i>Cal. Code Regs., tit. 2, § 11092(b)</i>).	You may elect to use, or your employer may require you to use: vacation time, sick leave, or paid time off. (<i>29 C.F.R. § 825.207</i>).
Will my employer continue to pay for my health coverage?	Yes. Your employer must pay for the continuation of your group health benefits for all 4 months of PDL if your employer normally pays for those benefits. (<i>Cal. Code Regs., tit. 2, § 11044(c)</i>).	Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (<i>Cal. Code Regs., tit. 2, § 11092(c)</i>) and (<i>SB 63</i>).	Yes. Your employer must pay for the continuation of your group health benefits if your employer normally pays for those benefits. (<i>29 U.S.C.A. § 2614(c)</i> ; <i>29 C.F.R. § 825.209</i>).
Will I lose seniority or benefits?	No. You may accrue seniority or benefits if your employer allows accrual for other disability leave. (<i>Cal. Code Regs., tit. 2, § 11044(d)-(e)</i>).	No. You may accrue seniority or benefits if your employer allows accrual for other forms of leave. (<i>Cal. Code Regs., tit. 2, § 11092(e)</i>).	No. You may accrue seniority or benefits if your employer allows accrual for other forms of leave. (<i>29 U.S.C.A. § 2614(a)(2)</i> ; <i>29 C.F.R. § 825.209(h)</i>).
Do I need to provide a medical certification?	Maybe. Your employer may require medical certification. (<i>Cal. Code Regs., tit. 2, § 11050(c)</i>).	Maybe. Your employer may require medical certification of a serious health condition. (<i>Cal. Code Regs., tit. 2, § 11091(b)</i>).	Maybe. Your employer may require medical certification of a serious health condition. (<i>29 U.S.C.A. § 2614(a)(4)</i> ; <i>29 C.F.R. § 825.306</i>).
Is my partner/spouse entitled to leave?	No. PDL only applies to the parent who has a disability related to the pregnancy. (<i>Cal. Code Regs., tit. 2, § 11035</i>).	Yes. Both parents are entitled to bonding leave, but if you both work for the same employer, your employer may allow 12 weeks leave total for both parents. (<i>Cal. Code Regs., tit. 2, § 11087</i>) and (<i>SB 63</i>).	Yes. (<i>29 U.S.C.A. § 2611</i> ; <i>29 C.F.R. § 825.110</i>).

*Note: The NPLA is a narrowly tailored California leave law that took effect last year. Both the CFRA and NPLA provide 12 weeks of unpaid, job protected leave to bond with a newborn or a child placed with the employee for adoption or foster care. The CFRA applies to employers who have 50 or more employees and the NPLA applies to employers who have less than 50 employees but have at least 20 employees. While the CFRA provides additional medical leave, the NPLA does not and is limited to baby bonding leave.